

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

January 24, 2006

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners A. Roger Abramson, Ray Dayal, Gladys Lozada and Kim Thompson (5). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Larry Ennis and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the November 22, 2005 meeting were unanimously approved.

ELECTION OF VICE-CHAIR

Chair Cynthia Odle informed Commissioners of the departure of **Vice-Chair Sammye Woods** from the Commission, and welcomed new **Commissioner Kim Thompson**. She called for nominations for Vice-Chair. **Commissioner Ray Dayal** nominated **Commissioner A. Roger Abramson** to complete the term ending in October 2006. **Commissioner Gladys Lozada** seconded. There were no other nominations; the nominations were closed, and **Vice-Chair Abramson** was elected by unanimous vote.

WRECKER DRIVER PERMIT APPLICATIONS

Alfred R. Vandersteen: The application of Mr. Alfred R. Vandersteen IV was submitted. Mr. Mark Wayman, owner of Able Towing, reported that the applicant was out of state. **Chair Cynthia Odle** stated that Mr. Vandersteen's application would be deferred.

William N. Allen: Mr. William N. Allen, driver for Able Towing, appeared before the Commission with counsel, Mr. Bill Porter. Director McQuiston informed Commissioners that Mr. Allen had applied to renew his driver permit, but a background check revealed a recent conviction for assault related to a towing incident. Mr. Allen had been issued a temporary permit until January 24, 2006, restricted to Able Towing, pending this hearing. Mr. Porter stated that this conviction was going to be appealed, and requested that the Commission extend a temporary permit to Mr. Allen until his client could obtain a decision on the appeal. **Vice-Chair A. Roger Abramson** questioned Mr. Allen; Mr. Allen stated that the assault accusation had been false, and that he had not been represented at the hearing when he

was convicted. **Vice-Chair Abramson** questioned Mr. Wayman. Mr. Wayman stated that, in order to preclude false accusations in the future, he had recently installed surveillance video cameras. He also stated that Mr. Allen was Able Towing's only driver, and that denying his permit application would result in the end of his company. MNPD Officer Shawn Taylor appeared before the Commission. Officer Taylor related the circumstances of Mr. Allen's arrest. Mr. Porter asked Officer Taylor if he was related to the alleged assault victim; Officer Taylor said he was not. **Chair Cynthia Odle** asked if there were any other Commission questions, or if Mr. Allen had any other witnesses. **Vice-Chair Abramson** asked Mr. Porter when a decision on the appeal could be expected; Mr. Porter responded that he would try to get it scheduled as soon as possible. **Vice-Chair Abramson** moved to deny Mr. Allen's application until the appeal could be heard and settled. **Commissioner Ray Dayal** seconded, and the motion passed unanimously. Mr. Allen was directed to turn in his permit; he answered that he had left it at Able Towing. Mr. Wayman was then directed to return Mr. Allen's permit.

Mitchell Copeland: Mr. Mitchell Copeland, driver for City Towing, appeared before the Commission with counsel, Mr. Michael McGovern. Director McQuiston informed Commissioners that Mr. Copeland had one assault conviction in his record when he was given a permit in December 2003. When Mr. Copeland applied to renew his permit in December 2005, a background check revealed an additional assault conviction, in September 2005. As a result, Mr. Copeland had been issued a temporary permit until January 24, 2006, restricted to City Towing, pending this hearing. Mr. McGovern explained that Mr. Copeland had pled guilty to a false charge stemming from an incident involving a towing customer who had entered his client's tow truck, and then refused to leave unless Mr. Copeland agreed not to charge the tow fee. **Chair Cynthia Odle** asked Mr. Copeland to explain the 2003 assault conviction; Mr. Copeland stated that the charge had been a false charge related to a domestic dispute over custody of his child. He stated that he had completed anger management classes. **Vice-Chair A. Roger Abramson** asked if he had had any contact with his ex-wife since that time; Mr. Copeland answered that there had no further contact with her. **Chair Odle** expressed concern that there appeared to be a pattern of assault; Mr. McGovern replied that the incidents had been unrelated, and that filing a guilty plea is commonplace in such cases. **Vice-Chair Abramson** moved to deny Mr. Copeland's application. **Commissioner Ray Dayal** seconded, and the motion passed unanimously.

WRECKER COMPANY HEARING: CITY TOWING

Mr. Michael Myers, President of City Towing, Inc. appeared before the Commission with Mr. McGovern as counsel. Director McQuiston stated that City Towing was still on probation for earlier violations related to nonconsent towing from private property: three charges of failing to notify the Impound Lot. He informed Commissioners that he had received a report from Officer Taylor that he had stopped a City Towing wrecker in December 2005 while it was dropping a vehicle. The report indicated that the wrecker did not have the drop fee notice required by Section 6.80.550.G, and was not displaying the required decal indicating it had been licensed. Officer Taylor appeared before the Commission and stated that he had stopped City Towing driver Thomas Gulley on December 14 while Mr. Gulley was in the process of dropping a vehicle. He explained that he had stopped Mr. Gulley on December 12 while dropping another vehicle, and was concerned that Mr. Gulley might be overcharging for the drop. He stated that he issued three citations on December 14, which included citations

for failure to display the required drop fee notice and failure to display the required wrecker decal. Director McQuiston stated that charges related to driver conduct could be considered at a later time, but that the failure to display the drop fee notice and the wrecker decal were company issues. **Chair Cynthia Odle** asked Mr. Myers if he disputed the charges that the drop fee notice and the decals were not posted; Mr. Myers said he did not. Mr. McGovern asked Mr. Myers why these were not done; Mr. Myers responded that he had forgotten about the drop fee, and that he had only recently renewed his license and vehicle permits. Mr. McGovern questioned Officer Taylor about his testimony, referring to the alleged overcharges on December 12; Officer Taylor responded that the customer had not filed a complaint, but that the invoice had indicated a charge of \$75, which exceeded either the allowable nonconsent tow fee of \$65 or the allowable drop fee of \$35. **Vice-Chair Abramson** moved to revoke City Towing's license. **Commissioner Ray Dayal** seconded, and the motion passed unanimously. Mr. McGovern asked if the effective date could be delayed, in order to allow time for the company to appeal, and to avoid negative impact on City Towing employees; **Chair Odle** stated that the revocation would take effect immediately.

APPLICATIONS FOR TRANSFER OF TAXICAB CERTIFICATES

Mr. Bill Young, owner of Allied Cab, Nashville Cab and Kennedy Cab, appeared before the Commission with Mrs. Young and Mr. Kolin Holladay, attorney. Director McQuiston stated that the commission office had received applications from Taxi USA of Tennessee, LLC for transfer of the Certificates of Public Convenience and Necessity of Allied, Nashville and Kennedy Cab companies. **Chair Cynthia Odle** asked if the applications were complete; Director McQuiston responded that the applications met the minimum requirements, but that Commissioners should determine whether the financial information provided would be considered as sufficient, considering that Taxi USA of Tennessee was a new corporation with no listed liabilities. **Chair Odle** stated that the Commission should be provided with sufficient financial information to be assured that the company would not be under-capitalized. Mr. Holladay, representing Taxi USA of Tennessee, stated that this information would be provided. Director McQuiston noted that under the provisions of Rule 11 of the Commission Rules, action on the application would automatically be deferred until the February 28 Commission meeting, to allow for evaluation, investigation and consultation. **Chair Odle** asked Mr. and Mrs. Young if they had any remarks; they indicated that health and quality of life concerns were factors in their decision. Mr. Young added that he had confidence that the new owners could maintain a high quality of taxi service. Following some discussion, **Chair Odle** thanked Mr. and Mrs. Young for appearing, and noted that the applications would be considered at the February 28 meeting.

PUBLIC HEARING: LIMITING NUMBER OF CARRIAGE PERMITS

Director McQuiston reported that he had received a petition signed by some of the horse-drawn carriage certificate holders, recommending that the Commission limit the number of carriage vehicles a company may operate downtown to two carriages per company. He reminded Commissioners that a moratorium on issuing new certificates or carriage permits had been in effect since June 2004. He stated that there were ten carriage companies with certificates, with a combined total of twenty-four carriages permitted to operate in the limited downtown Nashville area; and that efforts during the past year to disperse carriage traffic by

increasing the number of carriage stands and authorized carriage routes had been unsuccessful, in large part due to the decision to construct a light rail terminal at Riverfront Park. **Chair Cynthia Odle** called the public hearing to order. Because there were several individuals who desired to be heard, she informed the public that each speaker would limit comments to two minutes.

Randy Cagle, company owner, stated that he opposed a limit on the number of permits. He noted that imposing a quota of two carriages per company would not improve safety, because the ten companies could still have a combined total of twenty carriages. He acknowledged the need for more space.

Aulden Cagle, driver, stated that his company had four carriage permits, but used only two carriages at a time.

Sara Williams, company owner, stated that she had only one carriage authorized for downtown use. She said that she would like to have a permit to use her second carriage downtown, but that operations would still be limited by the number of carriage stands.

Johnny Smith, company owner, stated that he viewed the number of carriages operating downtown as a public safety concern. He said that there were opportunities for carriage business elsewhere; and added that he would like to limit the number of carriages a company could operate downtown to two carriages at any one time, rather than limit the overall number of carriage permits.

Melissa Houston, driver, stated that she was opposed to limiting the number of carriage permits, because it would limit her ability to make a living.

William Morton, company owner, stated that he currently operated three carriages downtown, and was opposed to further limits. He stated that the main public safety issue was not the number of carriage stands, but the unsafe practices of some carriage operators: for example, driving without lights.

Jason Woodham, driver, stated that he did not believe the number of carriage permits was a safety concern. He explained that he had been driving downtown for two years, and had not seen more than ten carriages operating at any one time during that period.

Sam Roberts, company owner, opposed limits, and stated that business was increasing for carriages downtown. He stated that stricter enforcement was the key to improving safety.

Kim LeMoine, company co-owner, said that her company operated only one carriage. She stated that the moratorium should not be lifted until enforcement improved.

Clint LeMoine, company co-owner, stated that he had been driving a carriage downtown since 1989. He agreed that enforcement of regulations was the greatest concern, and that there should be more carriage stands. He opposed restricting free enterprise by limiting permits.

Earl LeMoine, company owner, opposed limiting permits. He stated that he had been in the carriage business in Nashville for over twenty years, and that he believed nothing was being

done to stop problems with violators.

Director McQuiston stated that he had a letter from Paul Morrison, company owner, opposing the limits proposed in the petition.

Vice-Chair A. Roger Abramson, serving temporarily as acting chair, closed the public hearing. There was no motion offered. **Vice-Chair Abramson** then thanked the public for presenting their views, and stated that the Commission would take them under advisement.

2006 MEETING SCHEDULE

Director McQuiston recommended a schedule for Commission meetings for 2006. Following discussion, **Chair Cynthia Odle** approved the following meeting schedule:

January 24
February 28
March 28
April 25
May 23
June 20 (Annual Public Hearing – Emergency Wrecker Zones)
July 25
August 22
September 26
October 24
November 28 (Annual Public Hearing – Taxicab Permits)
December 19

OTHER BUSINESS

Mr. Doug Trimble, President of Yellow Cab Metro, Inc. reported that Yellow Cab had filled all the taxicab permits approved in November 2005. He stated that the company had acquired a large ADA-accessible van which could carry three passengers in powered wheelchairs. Based on its larger carrying capacity, he asked Commissioners if they would consider waiving the requirement for the company to field a second ADA-accessible taxicab. There was no motion on this request.

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair